

3714. Adulteration and misbranding of Uni-Swabs. U. S. v. 360 Packages * * *.
(F. D. C. 32866. Sample No. 10497-L.)

LIBEL FILED: March 12, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 24, 1952, by Steri-Swabs, Inc., from Hollis, Long Island, N. Y.

PRODUCT: 360 packages of *Uni-Swabs* at Detroit, Mich. The product consisted of pledgets of absorbent cotton on sticks.

LABEL, IN PART: (Package) "200 Individual Uni-Swabs, Sterile When Packed."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since the label declared that the article was sterile when packed, whereas it was not sterile when packed but was contaminated with living micro-organisms.

Misbranding, Section 502 (a), the label statement "Sterile When Packed" was false and misleading.

DISPOSITION: April 4, 1952. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

3715. Misbranding of Diaplex. U. S. v. 2 Cases * * *. (F. D. C. No. 31706.
Sample Nos. 13633-L, 13634-L.)

LIBEL FILED: On or about September 21, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 27, 1951, by John McVey, identified as H. W. Pierce, from Carr, Colo.

PRODUCT: 2 cases, each containing 25 cartons, of *Diaplex* at Clarksdale, Mo. Examination indicated that the product was a species of saltbush, such as *Atriplex canescens*.

LABEL, IN PART: (Some cartons) "Diaplex for Diabetics * * * for further information address % H. W. Pierce, Wellington, Colo., U. S. A. * * * Net Weight 12 ounces avoirdupois"; (other cartons) "Diaplex Directions (For a delicious beverage * * *.)"

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on some of the carton labels were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for diabetes, and that use of the article by diabetics would render treatment with insulin unnecessary. The article was worthless in the treatment of diabetes.

Further misbranding, Section 502 (e) (1), the label of the article failed to bear the common or usual name of the drug.

DISPOSITION: On or about October 19, 1951. Default decree of condemnation and destruction.

3716. Misbranding of Diaplex. U. S. v. 5 Cartons * * *. (F. D. C. No. 32219.
Sample No. 21142-L.)

LIBEL FILED: On or about December 18, 1951, Northern District of Texas.

*See also Nos. 3712-3714.